

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NYLA F. POTTER et al.,

Plaintiffs,

v.

CLEAR RECON CORP. et al,

Defendants.

CASE NO. 2:24-cv-01173-LK

ORDER RE: PLAINTIFFS' NOTICE
OF REMOVAL

This matter comes before the Court on Plaintiffs' Notice of Removal. Dkt. No. 34. Plaintiffs seek to remove a case currently pending in the Superior Court of Washington for King County, captioned *Andy Investments, LLC v. Nyla Fern Potter et al.*, Cause No. 24-2-21833-5 SEA. For the reasons explained below, Plaintiffs' removal is procedurally defective.

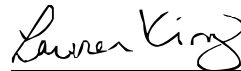
The proper procedure for removal of a case from state court to federal court "requires the party seeking removal to file notice of removal *in a newly instituted case* in federal court." *Mlotek v. Mlotek*, No. 10-CV-432, 2011 WL 441526, at *1 (N.D. Ohio Feb. 3, 2011) (emphasis added); *Hillsborough Cnty. Pub. Sch. v. Pennsylvania Manufacturers' Ass'n Ins. Co.*, No. 8:14-CV-811-T-23EAJ, 2014 WL 12705576, at *1 (M.D. Fla. May 13, 2014) (similar).

1 Plaintiffs may not remove a case into a previously existing federal case. Of course, a
2 removing party may note that a newly removed matter is related to another currently pending
3 action and seek a court order consolidating the two actions, but that does not excuse the obligation
4 to initiate a new action. *See e.g., Mlotek*, 2011 WL 441526, at *1 ; *Hillsborough Cnty. Pub. Sch.*,
5 2014 WL 12705576, at *1.

6 Moreover, the removal notice does not attach a copy of the state court complaint as required
7 by Local Civil Rule 101(b). *See generally* Dkt. No. 34-1.

8 The Court thus STRIKES Plaintiffs' Notice of Removal. Dkt. No. 34. Future violations of
9 applicable law may result in sanctions.

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11 Dated this 1st day of October, 2024.

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Lauren King
14 United States District Judge
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